

**House of Representatives
Committee on Government Reform
Visa Processing Delays
Testimony of Janice L. Jacobs
Deputy Assistant Secretary of State for Visa Services
July 10, 2003**

Mr. Chairman, Members of the Committee:

Thank you for inviting me to testify before you today on the subject of visa policy and its affect on the security of the United States, our economic health, and our openness to other societies. Clearly these are all significant interests of the United States that must be given their proper weight as the Department of State and the Department of Homeland Security design and implement a visa policy that serves the broad goals of our country. Visa adjudication by consular officers abroad underwent a sea change in the wake of the terrorist attacks on the United States on September 11, 2001. While detecting security threats to our country was always taken with the utmost seriousness by our officers, we had few tools beyond our incomplete watch list to screen for terrorist and other security threats in the visa process before 9/11. Suspicion of illegal immigration was and remains the primary reason for turning down a visa applicant, and our officers are well trained to do this job. It is hardly surprising that their efforts were focused on the well-documented problem of illegal immigration prior to 9/11, nor should it surprise anyone now that we have shifted our priorities towards the security of the visa process in order to render it a more effective anti-terrorism tool.

The Department of State has invested substantial time, money, and effort in revamping our visa work to serve this end, aided by a number of studies by the General Accounting Office (GAO), the Inspector General, and our own continuous reviews of visa policy and procedure. Assistant Secretary for Consular Affairs Maura Harty underwent a searching examination of the visa process during her confirmation proceedings and gives this effort her full support and attention. While it is not my purpose here to provide you with a comprehensive review of our efforts in this regard, I will point out that with passage of the USA PATRIOT Act we were able to acquire more lookout information from other agencies, and we doubled our lookout database. We increased our training efforts to better apprise consular officers of counter-terrorism issues, set up special programs to more fully vet visa applicants of particular concern, and moved to increase staffing for visa positions abroad. While you never achieve perfection in this area, I am confident that we have a much stronger visa process in place at our posts overseas than we had just one year ago, and the country is safer for it.

There is a cost to all of this effort and it is not simply borne by the Department in terms of greater personnel and equipment needs. It also comes at a cost in time and a certain amount of inconvenience to visa applicants who now must navigate a process that is more rigorous than it has been in the past. Secretary Powell has succinctly articulated our policy as "Secure Borders, Open Doors", and we at the Department are acutely aware

of the need to satisfy both of these objectives. The US economy counts on the billions of dollars spent each year by international tourists, our universities reap the economic benefits of pre-eminence among destination countries for international students, our scientific establishment flourishes in a climate of open exchange across borders, and our entire society is accustomed to living in a free and open manner that counts upon an ease of movement across international borders. We are determined to preserve these crucial benefits to the United States even as we work to strengthen the visa process' security.

Here I have good news and bad news, to use the old clichéd phrase. The bad news is that the heightened emphasis on security issues got off to a rocky start that occasioned much inconvenience for many legitimate applicants, especially in the summer and fall of 2002. The good news is that we have worked through many of these problems, invested in people and technology, and pioneered new processes with our law enforcement colleagues that have solved many of the problems of this start-up period. It is incontestable that getting a US visa today, in many parts of the world, takes longer than it used to, but it is by no means an impossible or needlessly frustrating task for qualified applicants to do so. We are working with the business community, the travel industry, and our scientific establishment to provide the access to the US they need while guaranteeing proper security to all.

Before I discuss in detail some of the procedural changes that might slow down the visa process for some applicants, I want to address what I believe is a widely held misapprehension among many in the business and scientific community: the notion that all applicants face vastly increased hurdles in order to get a visa. Most visa applicants do not require any special check beyond the enhanced consular name check (CLASS) search. While processing requirements have increased the burden on our officers in terms of the data they collect and the checks they must complete, most of this occurs out of the applicant's sight and does not add appreciably to the time required to make a visa decision. Much of the frustration of last summer and fall, when we were adding requirements without the resources to properly handle them, has been overcome, but applicants and their sponsors often believe that nothing has changed even when they have yet to test the system with a new application.

The process for obtaining a visa has not changed very much for the applicant. They still must make an appointment with our embassy or consulate, provide paperwork or come in for a personal interview, and have the application adjudicated by a consular officer. If the visa is approved, a visa is secured in the applicant's passport and the passport is returned with the visa. In most instances, this entire procedure takes place in a matter of weeks from first contact to delivery of the visaed passport. Visa demand is greatest in the summer. This is a temporary phenomenon due to the summer rotation of consular personnel to new assignments. With consular officers arriving at these posts over the next few weeks, this trend will quickly reverse itself. We also have a net increase of 39 consular officers for fiscal year 2003 and another 40 in fiscal year 2004.

Once an appointment is secured, the applicant will either present paperwork to the consular officer or speak directly with the consular officer to request the visa. We have

greatly increased our rate of personal interviews to meet national security goals. Many applicants can establish the bona-fide nature of their case to a consular officer within a few minutes. Examples of this would be articulate, well-prepared students going to prestigious US academic institutions or executives with major multinational companies. Consular officers will of course take as long as needed – until the consular officer has the information needed to make a decision in a specific case.

The change in policy on waiver of personal appearance has gotten a lot of attention, both within the Visa Office and outside, so I'd like to say a few words about what we are doing and why. Law and regulation have always demanded a personal interview of a visa applicant, but granted consuls abroad wide discretion to waive the requirement. When the Department was understaffed and underfunded in the previous decade, we found that saving time and money through waiver of personal appearance allowed us to keep up with a seemingly insatiable demand for non-immigrant visas. We carefully weighed the categories of applicants who we felt could be handled without an interview and were able to process record numbers in this fashion (10 million non-immigrant visa applications in fiscal year 2000).

The 9/11 hijackers made us reconsider the utility of this policy. None of them were on any US government watch list available to the consular officers who approved the applications, and most of them got their visas without a personal interview. Though much has been made of this fact, it is plainly true that Saudi Arabian applicants applying for visitor visas prior to 9/11 were considered to qualify for US visas. They had and have an extremely low rate of immigration violations, they come from a country with a healthy economy, and they return home after their visit to the US. We now know that there is a national security threat specific to certain Saudi nationals and certain nationals of countries that sponsor terrorism, and we use every technique and skill our officers can learn to try to identify such threats and keep up-to-date with changes to the threat assessment. We believe that a personal interview is a significant tool to help our officers to do just that.

We have tightened the conditions under which we allow a post to waive a personal interview by a visa applicant and asked our 210 posts to implement this new policy by August 1 of this year. By centralizing at the headquarters level the decision-making authority on this issue, we can consult security experts before making changes to general guidelines. I will point out that many posts have met the new standard already. Because most of our posts operate in countries where illegal migration to the US has been a long-standing problem, consular officers there were already interviewing the vast majority of visa applicants. Some posts not facing a significant problem of illegal migration changed their interview policy without prompting from us: London for example went to a 80% interview rate last year and has implemented this policy without great stress to either officers or applicants. Clearly, however, there are posts in high-volume places that will have a tougher time coming into compliance with the policy. We are committed to strengthening our security screening, but also to ensuring that applicants get their visas in a timely manner and will work closely with affected posts, such as Seoul, Rome, Paris, Tokyo, and Taipei, to see that both goals are attained. As we

implement the October 26, 2004, legislative mandate to include a biometric identifier with the visas we issue, all non-immigrants will have to appear in person for collection of the biometric data.

We are working to effectively and smoothly implement the requirement established by law that any visitor seeking to enter the United States under the Visa Waiver Program (VWP) after October 1, 2003, present a machine readable passport (MRP) or otherwise obtain a US visa, which has long been machine readable. A program to produce machine-readable passports has been a requirement for participation in the VWP since its inception in 1986, and every country participating in the VWP has long known of the need to issue these documents to their citizens. MRPs improve security by incorporating better anti-fraud features and allowing for rapid checking of automated databases. They also speed up processing of legitimate travelers and are a win/win situation for everyone. Unfortunately some of the VWP countries have not put these documents into circulation as thoroughly as needed and will now face an increase in passport demand from their citizens traveling to the US on the VWP. We are vigorously publicizing the requirement in the VWP countries, and our embassies are fully prepared to issue visas quickly to VWP citizens unable to obtain an MRP in time for any needed travel.

A number of non-immigrant visa applications, approximately 2% of our workload, are submitted by consular officers overseas to the Department of State for Washington-level screening by federal intelligence and law enforcement agencies. This is known as the security advisory opinion process. The purpose of the additional review is to focus on serious issues such as hostile intelligence activity, potential terrorist threats, and access to sensitive technology.

The business, academic, and scientific communities have expressed concern that delays in this process result in disruptions to on-going research and commercial activities. We cannot guarantee that specific cases will not be held up because these cases do frequently require expert analysis by Washington experts. We are working hard to provide more efficiency and predictability to the screening of visa applicants subject to interagency review, but these will always be the cases which take the longest to process to conclusion.

The Department of State acts primarily as a clearing-house in this process. We have added significant resources to the staff of the Visa Office to ensure that we return to posts overseas the results of the interagency review promptly upon completion. The analytical experts of the Department who review such cases do so within two weeks. We are also spending approximately one million dollars to modernize the transmission of data in the security advisory opinion process to eliminate as much as possible manual manipulation of case data and make use of a new interagency network known as OSIS. This modernization should be complete by January 2004.

The Department of State is working hand in hand with our colleagues at Homeland Security and the Justice Department to ensure that we have a visa system that

properly recognizes threats to the United States in the visa process and stops them from reaching our shores. We also work every day with business and industry to see that access to our country is not impeded for those whose business we want and whose presence we value. I am happy to answer any questions you may have. Thank you very much.